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heirs, on the ground that justice would be satisfied by depriving the murderer of the beneficial enjoyment of the fruits of his crime. The New York court regarded this modification of the doctrine laid down in *Riggs v. Palmer* with favor, and shortly afterwards embodied this suggestion in the decision of *Ellerson v. Westcott*, 148 N. Y. 149. The principal case is then, with the exception of *Box v. Lanier*, supra, the first to follow *Riggs v. Palmer* since 1889, and it is the first case in the American courts on this subject to be decided by an undivided bench.

DIVORCE—ABANDONMENT—INSANITY OF DESERTING SPOUSE.—A state statute provides that a divorce may be had where either party willfully abandons the other for a period of two years without just cause. Petitioner sues for divorce on the ground of desertion. Respondent had willfully deserted petitioner and before the statutory period had elapsed became insane. Respondent defends by guardian *ad litem* and denies willfully deserting petitioner for the statutory period, as she became insane before the statutory period had elapsed. *Held*, where a wife abandons her husband without just cause and thereafter becomes insane, a cause of action for divorce does not accrue to the husband until a lapse of two years, exclusive of the time that she is insane. *Kirkpatrick v. Kirkpatrick* (1908), — Neb. —, 116 N. W. 499.

The question in the principal case does not appear to have been before the courts often, as few authorities directly in point can be found. One of the most recent decisions covering the precise point involved holds that in a libel for divorce for abandonment, the time during which the libelee has been insane cannot be included in computing the statutory period of three years. *Storrs v. Storrs*, 68 N. H. 118, 34 Atl. 672. On the other hand, it has been held, under a statute similar to the one in the principal case, that the fact of insanity after the abandonment and before the expiration of the period requisite to constitute a ground for divorce is no excuse. *Douglass v. Douglass*, 31 Iowa 421. The Iowa statute reads as follows: "When he willfully deserts his wife and absents himself without a reasonable cause for the space of two years." The court in rendering its decision observed that the statute did not require the absence to be willful. However willful the desertion may be, and however destitute of reasonable cause, it is no ground for divorce unless continued for the space of two years. At any time within that period the offending party has the right to put an end to it, and when that is done no cause of divorce has accrued. *Albee v. Albee*, 141 Ill. 550, 31 N. E. 153. The court in the principal case argues that according to the weight of reasoning an insane person should not be deprived of the benefit of the statute because of such affliction.

EASEMENTS—CONSTRUCTION—AUTOMOBILES AS CARRIAGES.—By a certain deed a strip of ground, or alley, was reserved for a "carriage-way" for the benefit of the owners of two lots abutting thereon. The defendant acquired title to a portion of one of those lots and erected upon it an automobile